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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,718	07/30/2003	Masahiro Watanabe	1344.1121	6838
21171	7590	10/31/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CARTER, AARON W	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	✓ 10/629,718	WATANABE ET AL.	
	Examiner	Art Unit	
	Aaron W. Carter	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,8-11,15 and 16 is/are rejected.
- 7) Claim(s) 5-7 and 12-14 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to papers filed on October 3, 2005.

Response to Amendment

2. In response to applicant's amendment received on October 3, 2005, all requested changes to the specification and claims have been entered.

Response to Arguments

3. Applicant's arguments filed October 3, 2005 have been fully considered but they are not persuasive.

Applicants argue that the prior art of Winkelman does not teach or fairly suggest a normalizing function as disclosed in independent claims 1, 8, 15 and 16.

Examiner disagrees, the prior art of Winkelman discloses a normalizing function normalizing a feature quantity of an image through conducting a range transformation, which allows the feature quantity of the image to be distributed over a whole range (Figs. 2 and 3, column 8, line 39 – column 9, line 11)

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 8-11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,748,802 to Winkelman.

As to claim 8, Winkelman discloses a computer-readable recording medium recorded with an image processing program for realizing on a computer:

normalizing a feature quantity of an image through conducting a range transformation which allows the feature quantity of the image to be distributed over a whole range (Figs. 2 and 3, column 8, line 39 – column 9, line 11)

extracting a mean value and a standard deviation of the normalized feature quantity of the image (column 16, lines 9-18, wherein the mean and standard deviation are extracted and used in finding the Histogram Parameter Skew and Kurt);

judging an image condition, based on the extracted mean value and the extracted standard deviation extracted by said statistics extracting function (column 17, lines 4-32, wherein the image condition is judged and classified based on the Skew and Kurt);

creating image correction information in the judged image condition, based on the extracted mean value and the extracted standard deviation (column 17, lines 4-40, wherein once classified the a corresponding Rms value is acquired and applied to determine a correction factor (k)); and

correcting the image, based on the created image correction information (column 15, lines 31-39).

As to claim 9, Winkelman discloses a computer-readable recording medium recorded with an image processing program according to claim 8,

Wherein said judging judges the image condition of said image through a two-dimensional normal distribution probability function for calculating the probability that an image belongs to each image condition, in which the mean value and the standard deviation of the image feature quantity are set to variables (column 16, lines 9-18 and column 17, lines 10-18).

As to claim 10, Winkelman discloses a computer-readable recording medium recorded with an image processing program according to claim 9,

Wherein when the maximum value of said probability is larger than a predetermined value, said judging judges that the image condition which becomes said probability is the image condition of said image (column 17, lines 10-18).

As to claim 11, Winkelman discloses a computer-readable recording medium recorded with an image processing program according to claim 9,

Wherein when the maximum value of said probability is a predetermined value or less, said judging judges that said image belongs to a plurality of image conditions (column 17, lines 10-18).

As to claims 1-4, please refer to the rejection of claims 8-11 above.

As to claim 15, please refer to the rejection of claim 8 above.

As to claim 16, please refer to the rejection of claim 8 above.

Allowable Subject Matter

6. Claims 5-7 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is (571) 272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

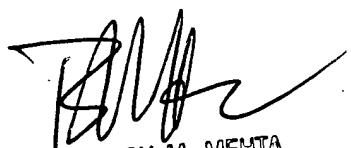
Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

awc




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